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Mr. L

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/920.072

08/01/2001

Forest S. Baker IV

2866.2.1

4418

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03/07/2007

DAVID FONDA

DAVID B. FONDA, ATTORNEY AT LAW, P.C.

11129 SOUTH CREEK RIDGE CIRCLE

SOUTH JORDAN, UT 84095

EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2614

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/920,072	Applicant(s) BAKER, FOREST S.	
	Examiner Md S. Elahee	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/04/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-18,20,21,76-93 and 96-116 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-18,20,21,76-93 and 96-116 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Amendment

1. This action is responsive to an amendment filed on 12/04/2006. Claims 1-6,8-18,20,21,76-93 and 96-116 are pending. Claims 7,19,22-38,94 and 95 have been previously cancelled. Claims 39-75 have been previously withdrawn. Claims 96-116 have been previously added.

Response to Arguments

2. Applicant's arguments filed on 12/04/2006 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 76-80,83-93,96-100,102-109,111-116 are rejected under 35 U.S.C. 102(b) as being anticipated by Szlam (US 5,511,112).

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As to Claims 76-80,83-93,96-99,107,108, with respect to Figures 1-4E, **Szlam** teaches a computer readable medium having stored thereon computer executable instructions for performing a method for contacting a customer, the method comprising:

providing an integrated system for hybridized interaction with a contact, the interaction being selectable between human and computer delivery(Col. 9, line 51- Col. 10, line 8);

initiating a call to the contact (Col. 6, lines 18-20);

executing an interaction protocol to create an interaction with the contact (Col. 9, line 51- Col. 10, line 5); and

interleaving responses to the contact from a human agent and a prerecorded message [i.e., voice waveform] selected by a computer, the recorded voice waveform selected from two different prerecorded messages [i.e., at least a scripted response and an interjection] (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claims 100,109, **Szlam** teaches the method of claim 1, wherein the recorded script is selected from audio recordings [i.e., computer-generated wave files, audio recordings, and synthesized voice] (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claims 102,112, **Szlam** teaches the method of claim 1, further comprising validating sales information (Col. 17, lines 26-29).

As to Claims 103,113, **Szlam** teaches the method of claim 1, further comprising updating a customer file (Col. 8, lines 21-25).

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As to Claims 104,114, **Szlam** teaches the method of claim 1, further comprising maintaining a history of recorded scripts played (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claims 105,115, **Szlam** teaches the method of claim 1, wherein interleaving further comprises deciding on intervention (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claim 106,116, **Szlam** teaches the method of claim 105, wherein deciding on intervention further comprises selecting between options including at least a live-voice response and a recorded response (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claim 111, **Szlam** teaches the method of claim 1, wherein executing an interaction protocol further comprises selecting a contact type (Col. 9, line 65- Col. 10, line 5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-4,8-18,20,21 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Szlam** (US 5,511,112) in view of **Nakatsu et al.** (US 5,787,151).

As to Claim 1, with respect to Figures 1-4E, **Szlam** teaches a method for customer contacting, the method comprising:

providing a system for interaction with a contact, the interaction being selectable between human and computer delivery (Col. 9, line 51- Col. 10, line 8);

executing an interaction protocol to create an interaction with the contact (Col. 9, line 51- Col. 10, line 5);

initiating a call to the contact (Col. 6, lines 18-20); and

allowing an agent to selectively interleave live responses and prerecorded messages [i.e., recorded scripts], the recorded scripts selected from two different prerecorded messages (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8):

However, **Szlam** does not teach the two different prerecorded messages [i.e., recorded scripts] selected from two different menus [i.e., at least a script menu and an interjection menu].

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Nakatsu teaches two different prerecorded messages [i.e., recorded scripts] selected from two different menus [i.e., at least a script menu and an interjection menu] (Col. 9, line 63- Col. 10, line 12, Col. 11, lines 43-46). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add the recorded scripts selected from at least a script menu and an interjection menu to **Szlam's** invention for agents to transparently communicate with customers as taught by **Nakatsu's** invention in order to provide agents with monitoring of customers responses.

As to Claim 2, **Szlam** teaches the method of claim 1, wherein the executing an interaction protocol is done by one of a human agent and a computer script (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claim 3, **Szlam** teaches the method of claim 1, wherein the recorded script further comprises recorded data for generating a human-sounding voice waveform (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claim 4, **Szlam** teaches the method of claim 1, wherein the recorded script is selected from audio recordings [i.e., computer-generated wave files, audio recordings, and synthesized voice] (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claim 8, **Szlam** teaches the method of claim 1, wherein executing an interaction protocol further comprises selecting a contact type (Col. 9, line 65- Col. 10, line 5).

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As to Claim 9, **Szlam** teaches the method of claim 1, further comprising validating sales information (Col. 17, lines 26-29).

As to Claim 10, **Szlam** teaches the method of claim 9, wherein validating sales information is done by one of a human agent and a computer dialing system (Col. 17, lines 26-29).

As to Claim 11, **Szlam** teaches the method of claim 1, further comprising updating a customer file (Col. 8, lines 21-25).

As to Claim 12, **Szlam** teaches the method of claim 1, further comprising maintaining a history of recorded scripts played (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claim 13, **Szlam** teaches the method of claim 1, wherein initiating a call is executed by one of a human agent and a computer dialing system (Col. 6, lines 18-20).

As to Claim 14, **Szlam** teaches the method of claim 1, wherein interleaving further comprises listening by the human agent to a response from the contact (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

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As to Claim 15, **Szlam** teaches the method of claim 1, wherein interleaving further comprises selecting and presenting content to the contact (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claim 16, **Szlam** teaches the method of claim 15, wherein interleaving further comprises posing a question following presenting content (Col. 2, lines 1-8, Col.3, lines 48-51, Col. 9, line 51- Col. 10, line 8).

As to Claim 17, **Szlam** teaches the method of claim 1, wherein interleaving further comprises deciding on intervention (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claim 18, **Szlam** teaches the method of claim 17, wherein deciding on intervention is done by the human agent (Col. 8, lines 45-58, Col. 9, line 51- Col. 10, line 8).

As to Claim 20, **Szlam** teaches the method of claim 17, wherein deciding on intervention further comprises determining to provide a live-voice response (Col. 8, lines 45-58).

As to Claim 21, **Szlam** teaches the method of claim 17, wherein deciding on intervention further comprises determining to provide a recorded response (Col. 8, lines 45-58).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Szlam** in view of **Nakatsu et al.** further in view of **Rogers et al.** (US 5,946,386).

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As to Claim 5, **Szlam** teaches the method of claim 1, wherein the recorded script comprises a prerecorded script (voice waveform created independently) from the human agent;

Szlam in view of **Nakatsu** does not teach the following limitation:

“voice waveform created independently from the human agent”

However, it is obvious that **Szlam** suggests the limitation. This is because **Szlam** teaches that scripts are prerecorded for use by a computer (Col. 8, lines 1-4). **Rogers** teaches creating VIP rules (scripts) by users (agents) and/or organizations. VIP rules created by organizations are independent of users (Col. 36, lines 12-17 and Col. 34, lines 56-67). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add organization scripts to **Szlam**’s invention in view of **Nakatsu** for supporting organizations sales calls as taught by **Rogers**’ invention in order to provide enhancement of sales opportunities.

9. Claims 6,28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Szlam** in view of **Nakatsu et al**, in view of **Rogers** further in view of **Miner et al**. (US 5,652,789).

As to Claims 6,28, **Szlam** teaches the method of claim 5, wherein the voice waveform further comprises:

Szlam does not teach the following limitation:

“an audio track of a voice response recorded by a voice actor”

However, it is obvious that **Szlam** suggests the limitation. This is because **Szlam** teaches that scripts are prerecorded for use by a computer (Col. 8, lines 1-4). **Miner** teaches creating commands and tasks (scripts) with personalities (voice actors) for use by subscribers customer

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service representatives (Col. 45, lines 46-57). Since **Szlam** and **Miner** are in analogous customer service representative art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add personality scripts to **Szlam**'s invention for supporting organizations sales calls as taught by **Szlam**'s invention in order to provide enhancement of sales opportunities.

10. Claims 81,101,110 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Szlam** in view of **Rogers** and further in view of **Miner et al.** (US 5,652,789).

Claims 81,101,110 are rejected for the same reasons as discussed above with respect to claim 6.

11. Claim 82 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Szlam** in view of **Rogers et al.** (US 5,946,386).

As to Claim 82, **Szlam** teaches the method of claim 1, wherein executing an interaction protocol further comprises:

Szlam does not teach the following limitation:

“logging on by an agent”

However, it is obvious that **Szlam** suggests the limitation. This is because **Szlam** teaches call handling by agents (Col. 8, lines 1-4). **Rogers** teaches users (agents) logging in (Col. 34, lines 30-35). Having the cited art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add agent login incapability to **Szlam**'s invention

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for determining availability of users as taught by **Rogers'** invention in order to provide enhancement of sales opportunities.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kukla (U.S. 5,146,562) teach Patient care communication system;

Barber et al. (U.S. 5,251,251) teach Telecommunications network-based greeting card method and system; and

Ball et al. (U.S. 6,459,774) teach Structured voicemail messages.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ME

MD SHAFIUL ALAM ELAHEE

March 2, 2007

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

